

## **CHAPTER 37-07.1**

### **NATIONAL GUARD TUITION WAIVER ACT**

**37-07.1-01. Legislative intent and purpose.** The purpose of this chapter is to recognize the vital role of the national guard in the state. While the national guard is subject to federal control during periods of national emergency, it is organized, trained, and equipped to perform military functions and to aid civil authorities in the protection of life and property while it is subject to the control of the state.

The purpose of this chapter is to encourage voluntary membership in the guard, improve the educational level of its members, and thereby benefit the state as a whole.

**37-07.1-02. Definitions.** As used in this chapter, unless the context or subject matter otherwise requires:

1. "School" means any university, college, career and technical education school, technical school, or postsecondary educational institution.
2. "State-controlled school" means any school which is controlled, financially supported, and operated by the state, a school district, or any other political subdivision.
3. "Tuition" means the normal registration fee. It does not include graduation, activity, or incidental fees, book rental, laboratory, service, supply, union building, hospital and medical insurance fees, or any fees established for the operation and maintenance of buildings, the income of which is pledged for the payment of interest and principal on bonds issued by the governing board of any school.

**37-07.1-03. Tuition waiver - Terms.** A qualifying member of the national guard who enrolls in any state-controlled school, subject to rules adopted by the adjutant general, is entitled to receive a twenty-five percent waiver of the tuition from the state-controlled school, conditioned on the adjutant general having sufficient appropriations for tuition reimbursement under section 37-07.1-06.2. The tuition waiver is valid only so long as the member of the national guard maintains satisfactory performance with the guard, meets the qualification requirements of rules adopted by the adjutant general, and pursues a course of study in a manner that satisfies the normal requirements of the school.

**37-07.1-04. Limitations.** Repealed by S.L. 1983, ch. 389, § 2.

**37-07.1-05. Application for waiver.** It is the responsibility of the individual member of the national guard to obtain a certificate from the adjutant general or the adjutant general's designee attesting to satisfactory guard performance and describing qualification requirements and to present the certificate to the school in order to obtain a waiver of tuition fees. The certification must be accomplished at the time of enrollment for each semester or academic term for which a waiver of tuition fees is requested.

**37-07.1-06. Tuition - Assistance payments.** Repealed by S.L. 1995, ch. 351, § 4.

**37-07.1-06.1. North Dakota national guard tuition fund.** There is hereby established a special trust fund in the state treasury to be known as the national guard tuition trust fund. The fund and interest earned on such fund shall be used, within the limits of legislative appropriation, for the tuition programs provided for in chapters 37-07.1 and 37-07.2, work study programs, other programs to encourage membership in the national guard, and national guard operations. The fund is not subject to the provisions of section 54-44.1-11. The moneys in the fund shall be invested by the state investment board and interest earned by the fund must be credited to the fund. On July 1, 1999, any unobligated balance in the fund shall be transferred to the general fund.

**37-07.1-06.2. Tuition reimbursement - Payments.** The adjutant general shall make tuition reimbursement payments, within the limits of legislative appropriations, for each qualifying member of the national guard enrolled in any state-controlled school who receives a tuition waiver provided in section 37-07.1-03.

**37-07.1-07. Regulations.** The adjutant general may adopt, amend, and rescind any national guard regulations pursuant to chapter 28-32 deemed necessary to implement and administer this chapter.